

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

ZF MERITOR LLC and MERITOR)
TRANSMISSION CORPORATION,)
Plaintiffs,) **FILED UNDER SEAL**
v.)
EATON CORPORATION,)
Defendant.)
)

**DECLARATION OF JENNIFER D. HACKETT IN SUPPORT
OF PLAINTIFFS' ANSWERING BRIEF IN OPPOSITION TO
DEFENDANT'S MOTION FOR JUDGMENT AS A MATTER OF LAW**

I, Jennifer D. Hackett, declare as follows:

1. I am a partner at the law firm of Dickstein Shapiro LLP, which represents the Plaintiffs in connection with the above-captioned litigation. I have personal knowledge of the facts stated in this affidavit, and the following is true and correct to the best of my knowledge.
2. Attached as Exhibit 1 are true and accurate excerpts from the Response and Reply Brief of Appellant/Cross-Appellee Eaton Corporation, dated March 21, 2012.
3. Attached as Exhibit 2 are true and accurate excerpts from the Principal Brief of Appellant/Cross-Appellee Eaton Corporation, dated December 14, 2011.
4. Attached as Exhibit 3 is a true and accurate copy of Plaintiffs' Exhibit 115 (PTX 115), the Eaton-Freightliner Supply Agreement.
5. Attached as Exhibit 4 is a true and accurate copy of Plaintiffs' Exhibit 132 (PTX 132), an Eaton email from Matthew Sturdy to William Fouch, dated January 5, 2002.
6. Attached as Exhibit 5 is a true and accurate copy of Plaintiffs' Exhibit 247 (PTX 247), the Eaton-Mack Supply Agreement.

7. Attached as Exhibit 6 is a true and accurate copy of Plaintiffs' Exhibit 304 (PTX 304), an internal Eaton email from John Buck, Jr. to Steven McKeeby and Curt Hutchins, dated October 17, 2003.

8. Attached as Exhibit 7 is a true and accurate copy of Plaintiffs' Exhibit 599 (PTX 599), the Eaton-PACCAR Supply Agreement.

9. Attached as Exhibit 8 is a true and accurate copy of Plaintiffs' Exhibit 651 (PTX 651), an email from Adriana Camacho to John Spanke, dated January 24, 2002.

10. Attached as Exhibit 9 is a true and accurate copy of Defendant's Exhibit 467 (DX 467), the Eaton-International Supply Agreement.

11. Attached as Exhibit 10 is a true and accurate copy of Defendant's Exhibit 515 (DX 515), the Eaton-Volvo Supply Agreement.

12. Attached as Exhibit 11 are true and accurate excerpts from Eaton's Reply Brief to Petition for a Writ of Certiorari, dated April 10, 2013.

13. Attached as Exhibit 12 are true and accurate excerpts from the Expert Report of David W. DeRamus, dated February 17, 2009.

14. Attached as Exhibit 13 are true and accurate excerpts from the March 6, 2013 deposition transcript of David W. DeRamus.

15. Attached as Exhibit 14 are true and accurate excerpts from the August 27, 2009 Pre-Trial Hearing transcript.

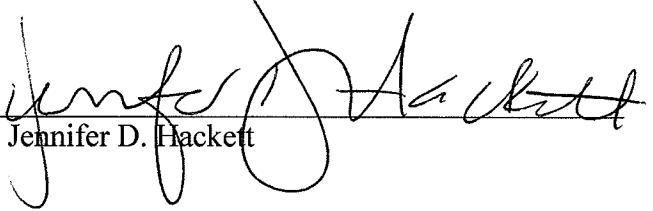
16. Attached as Exhibit 15 are true and accurate excerpts from the September 10, 2009 Pre-Trial Hearing transcript.

17. Attached as Exhibit 16 is a true and accurate copy of the Amended Expert

Damages Report of Dr. David W. DeRamus, dated January 16, 2013.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: April 22, 2013,
Washington, D.C.


Jennifer D. Hackett

CERTIFICATE OF SERVICE

I, Joseph C. Schoell, hereby certify that, on this 22nd day of April, 2013, a copy of the foregoing document was served on the following counsel of record in the manner indicated below:

BY HAND DELIVERY

Donald E. Reid
Morris, Nichols, Arsh & Tunnell LLP
1201 N. Market St.
Wilmington, DE 19899

BY FEDEX

Joseph A. Ostoyich
Howrey LLP
1299 Pennsylvania Ave, N.W.
Washington, DC 20004

/s/ Joseph C. Schoell

Joseph C. Schoell (No. 3133)